

Surveillance Technology – 1976: Preface

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"High technology, if sequestered beyond the reach of evaluation and criticism, tends to develop its own imperatives, some of them potentially damaging to the larger social good. ... If knowledge is power, then certainly the secret and unlimited acquisition of the most intimate aspects of a person's thoughts and actions conveys extraordinary power over that person's life and reputation to the snooper who possesses the highly personal information."

In early 1975, soon after I became Chairman of the Senate's Judiciary Subcommittee on Constitutional Rights, I asked the Subcommittee staff to initiate a long-term, comprehensive investigation of the technological aspects of surveillance.

I was concerned about this issue for a number of reasons. First as a Representative and then as a Senator from California, a State known for the number and quality of its high technology centers, I had been exposed for over ten years to the substantial social benefits that derive from our national commitment to innovative technology.

However, as Chairman of the Commerce Subcommittee on Science and Technology and as a member of the Joint Atomic Energy Committee, I was also aware that high technology, if sequestered beyond the reach of evaluation and criticism, tends to develop its own imperatives, some of them potentially damaging to the larger social good, and that "science policy" had gradually disintegrated, becoming an empty slogan, a rhetorical device evoking positive responses but contributing little to the shape of difficult decisions that will profoundly affect the lives of future generations.

My growing sense of unease focused sharply when, as the successor to Chairman Sam Ervin, I assumed major responsibilities for protecting the privacy of individual American citizens. Like many conscientious readers of newspapers and magazines, I had become alarmed about the undeniable and frightening proliferation of technological means to invade a person's privacy, but now I had the duty to act affirmatively.

In commissioning a study of surveillance technology, I reasoned as follows: If knowledge is power, then certainly the secret and unlimited acquisition of the most detailed knowledge about the most intimate aspects of a person's thoughts and actions conveys extraordinary power over that person's life and reputation to the snooper who possesses the highly personal information. And by vastly expanding the range and power of the snooper's eyes, ears and brains, the new technology facilitates and magnifies the acquisition and use of such information. Moreover, as long as surveillance technology remains unregulated and continues to grow at an accelerating rate, the free and enriching exercise of the rights guaranteed by the Constitution and the Bill of Rights will inevitably be chilled to the point of immobility by the general awareness that Big Brother commands the tools of omniscience.

The Subcommittee on Constitutional Rights has held the first three days of a projected series of hearings on the topic of surveillance technology. In one sense the report that follows is a status report; it shows what we have learned about the subject to date, drawing upon our own hearings and investigations and

upon work conducted in other forums. But in another sense this report goes beyond other efforts in the same genre because it represents a first attempt to organize an immense amount of data in a comprehensive and usable format and to provide a framework for future analyses and, ultimately, for the creation of institutional mechanisms that will diminish the threats posed by surveillance technology.

It is appropriate that the Introduction to the report begins with references to the conditions now prevailing in the Soviet Union, for it is my hope that by mobilizing and channeling public debate on the costs and benefits of surveillance technology, we can avoid an inertial drift toward the drabness that characterizes life without privacy and liberty. □

From "Policy and Implications: An Analysis and Compendium of Materials – A Staff Report of the Subcommittee on Constitutional Rights", U.S. Government Printing Office, Washington, 1976, 1279 pages

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which, using hearings and television at the appropriate time, he got down to the bottom of the Water-gate crimes. As a result the American people became informed, and on the basis of that information produced the move for impeachment and the act of resignation of President Richard M. Nixon.

I would like to believe that President Jimmy Carter would issue a statement on the necessity of investigating the assassinations, and that he would help to remove the collisions and the disorder. It would be good if he could fortify the investigation by calling for it as a needed action of Congress. But my current prediction is that he will ignore it, and thereby continue to adjust to the status quo, the intelligence establishments, and the various powers that influence and control the presidency of the U.S.A. — and that allowed him to be elected and to take office. Sometimes a president sees that he dare not see. □

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